

(2012) 02 JH CK 0026

Jharkhand High Court

Case No: L.P.A. No. 56 of 2010

Central Coalfields Ltd. and
Others

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: Feb. 6, 2012

Hon'ble Judges: Prakash Tatia, J; Aparesh Kumar Singh, J

Bench: Division Bench

Final Decision: Allowed

Judgement

1. On 28th November, 2011, we found from the letter received from the Registrar, Civil Courts, Hazaribagh, that 78 notices in L.P.A. No. 56/2010 were received in his office on 19th October, 2011. However, from the record of this file, it was found that notices were issued on 26th September, 2011 which were dispatched under Dispatch No. 3638 dated 26th September, 2011. Then, it was directed by this Court to obtain a report from the Principal District and Sessions Judge, Hazaribagh to find out whether the notices sent by this Court under Dispatch No. 3638, dated 26th September, 2011, were, in fact, received by that Court on 19th October, 2011 or not. On 8th December, 2011, it was reported by the office that learned District and Sessions Judge, Hazaribagh has not submitted any report and matter was placed before this Court on 2nd January, 2012. On that day, this Court directed the Office to check whether the District and Sessions Judge, Hazaribagh has submitted report or not and if the report has not been submitted by the Principal District and Sessions Judge, Hazaribagh, then a reminder be sent. On 5th January, 2012, it was reported that no report was submitted by Principal District and Sessions Judge, Hazaribagh and then reminder was sent on 5th January, 2012. The Principal District and Sessions Judge, Hazaribagh vide letter No. 47/2012 submitted a report that in response to Hon'ble Court's Memo No. 41, dated 05.01.2012, along with order dated 02.01.2012 passed in L.P.A. No. 56/10, the report which was required to be sent in view of letter No. 4398, dated 28th November, 2011, was immediately sent after receipt of the

same by his office through fax to the High Court vide letter No. 3811/11, dated 01.12.2011, on the same day enclosing therewith fax confirmation report. In spite of the above, on 13.01.2012, office has reported "But, earlier no such report through Fax has been received as reported by the Civil Receiving Section".

2. Therefore, the issue which is required to be considered by the Registrar General is whether in fact the process was issued by the office initially under dispatch No. 3638, dated 26th September, 2011 or not and if so, then whether there was delay on the part of the High Court in sending the process to the Court of Principal District and Sessions Judge, Hazaribagh as the said process was received only on 19.10.2011 and therefore, who was at fault is to be found out for taking departmental action.

3. Registrar General may also find out whether the Principal District and Sessions Judge, Hazaribagh had sent his office letter No. 3881 dated 1st December, 2011, enclosing therewith a copy of fax confirmation report which has also been annexed with the letter of Principal District and Sessions Judge, Hazaribagh along with his subsequent letter No. 47/2012, dated 06th January, 2012, and if the said earlier communication was received, a wrong report was made on 05th January, 2012, and it was also reiterated by office report dated 13th January, 2012.

4. Registrar General may look into this matter and also hold a departmental enquiry against such person who may be found responsible for such lapse.

5. As per office report, notice have been served upon the respondent nos.7, 8, 10 to 21, 23 to 46, 48 to 60, 63 to 67 and 69 to 84.

6. Notice have not been served upon respondent nos. 9, 22, 47, 61, 62 and 68.

7. It is reported that the above respondents upon whom summons have not been served, already died. In view of the above, learned counsel for the appellants may take further steps and move proper application so that appropriate order may be passed.

8. Put-up this matter after four weeks.